

# Exhibit E

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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EDWARD ALAN YEARTA,

Plaintiff,

vs.

Case No. 2:17-CV-02117-SHM-egb

AMUSEMENTS OF AMERICA, INC.;  
DELTA FAIR, INC.; UNIVERSAL FAIRS,  
LLC; and BELLE CITY AMUSEMENTS,  
INC.,

Defendants;

AMUSEMENTS OF AMERICA, INC.

Crossclaim-Plaintiff

vs.

BELLE CITY AMUSEMENTS, INC.,

Crossclaim-Defendant.

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**BELLE CITY AMUSEMENTS, INC.'S ANSWERS TO AMUSEMENTS OF AMERICA,  
INC.'S FIRST SET OF INTERROGATORIES**

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Crossclaim-Defendant Belle City Amusements, Inc., (hereinafter "Belle City"), by and through counsel, submits these Answers to Amusements of America, Inc.'s First Set of Interrogatories, ("Interrogatories") as follows:

**PRELIMINARY STATEMENT**

Answers to these Interrogatories were prepared upon the basis of a search of files and records maintained in the ordinary course of business, within its possession, custody, or control, by Belle City and with information obtained from discovery in this matter to date. No single officer, employee, or agent of Belle City has direct knowledge of the facts necessary to supply

**INTERROGATORY NO. 7:** Identify each and every BCA representative or employee who was present at the 2016 Delta Fair & Music Festival on August 30, 2016, and state in what capacity they were present on behalf of BCA.

**RESPONSE:** Belle City objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case, as Belle City does not maintain records in a manner that would allow it to perform a search for potentially responsive information to the specific request without manual review of each and every record maintained by Belle City. Subject to and without waiving the foregoing objections, upon information and belief, the following individuals employed or associated with Belle City were believed to be present at the 2016 Delta Fair & Music Festival:

- Zachary Panacek: supervisor of Belle City's operations at the 2016 Delta Fair
- Justin Hendrix: ride operator for Belle City's amusement rides at the 2016 Delta Fair
- Steven Holmes: ride operator for Belle City's amusement rides at the 2016 Delta Fair
- Jerry Sears: individual tasked with setup and tear down of Belle City's amusement rides at the 2016 Delta Fair

Belle City states that discovery is ongoing and reserves the right to supplement its response to this Interrogatory in accordance with the Rules of Civil Procedure and any applicable court order.

**INTERROGATORY NO. 8:** Identify all generators BCA supplied or made available at the 2016 Delta Fair & Music Festival, and for each generator identified, state the following: (1) whether BCA owned or rented the generator; (2) the manufacturer, make and model of the generator; (3) the voltage capacity of the generator; (4) the physical location where the generator was set up at the 2016 Delta Fair & Music Festival fairgrounds; (5) the amusement rides connected to the

generator on August 30, 2016; and (6) whether the generator was grounded at the time of the August 30, 2016 incident alleged in the First Amended Complaint (and described in the First Amended Crossclaim).

**RESPONSE:** Please see response to Interrogatory No. 4 and No. 6 above. Upon information and belief, the generator was believed to have been located in the midway, in the location as depicted in the attached drawing, Bates labeled BCA 018. Upon information and belief, the generator was brought to the 2016 Delta Fair as a back-up. Upon information and belief, the undersigned assumes the generator was grounded because it was used by other amusement ride owners to temporarily power the leveling of their amusement rides during their set-up process. Belle City reserves the right to supplement its Response to this Interrogatory in accordance with the Rules of Civil Procedure and any applicable court order.

**INTERROGATORY NO. 9:** Identify all persons responsible for setting up, including grounding, each generator identified in your response to Interrogatory No. 7, above.

**RESPONSE:** Belle City objects to this Interrogatory to the extent it assumes any duty, obligation, or responsibility by Belle City regarding the generator described in Interrogatory No. 8. Subject to and without waiving the foregoing objection, please see response to Interrogatory No. 8 above. Upon information and belief, Belle City does not know who moved the generator to its temporary location on the midway where it was used by other amusement ride owners to set-up rides before the 2016 Delta Fair opened. Nor does Belle City know who started or set up the generator before it was used by other amusement ride owners. Belle City does not maintain records which would log this information. Belle City reserves the right to supplement its Response to this Interrogatory in accordance with the Rules of Civil Procedure and any applicable court order.

Vincent (“Toast”) on the Ring of Fire towards the rear of the trailer on top of the “Train” and my two employees directly in front of me on the Flatbed Scenery load. I didn’t see anything so I stepped back down and continued my work. After a few minutes I heard the noise come back and stepped up again. I immediately noticed the proximity of the Wing of the Ring of Fire and the power line and before I could scream “Stop Raising” the ride appeared to make contact with the raised electrical lines and it looked like many fire crackers flashing everywhere the Ring of Fire leveling contact points are. I remember Vincent jumping off the trailer of the Ring of Fire and my guys ditching their perch as they were directly under the wire. I looked down immediately to make sure the Moonraker was not connected into any electrical system so that I was safe.

**INTERROGATORY NO. 15:** If BCA conducted an investigation into the August 30, 2016 incident alleged in the First Amended Complaint (and described in the First Amended Crossclaim), identify: (1) all BCA employees or agents who performed or participated in the investigation; (2) all statements of any kind collected during the investigation; (3) all reports or recommendations generated in connection with the investigation; and (4) all internal actions, including disciplinary action, taken by BCA as a result of its investigation.

**RESPONSE:** Belle City objects to this Interrogatory to the extent it seeks information which is protected from disclosure under the attorney-client and/or work product privilege. Belle City further objects to this Interrogatory as vague and ambiguous, as the term “investigation” is not sufficiently defined and subject to varying interpretations which would affect Belle City’s understanding of the request. Subject to and without waiving the foregoing objection, Belle City did not make any independent inquiries, Belle City does not recall conducting or giving any

interviews, and Belle City did not generate any non-privileged reports regarding the August 30, 2016 incident, and, therefore, does not have any responsive information to this Interrogatory.

**INTERROGATORY NO. 16:** If, to your knowledge, information or belief there exist any photographs, videotapes, recorded statement(s), written statement(s), reports, drawings, diagrams, journals, or any other document, concerning or relating to any fact or issue set forth in the First Amended Crossclaim, and which have not been otherwise identified in your responses to these Interrogatories, identify the author of the document, the type of document, the date the document was prepared, and the name and address of each person in possession, custody or control of the original and any reproduction thereof.

**RESPONSE:** Belle City believes information or documents regarding the midway and the intended set-up of rides and attractions at the 2016 Delta Fair would be in the possession of Amusements of America, Inc. Belle City reserves the right to supplement its Response to this Interrogatory in accordance with the Rules of Civil Procedure and any applicable court order.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC

/s/ 

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*Attorneys for Belle City Amusements, Inc.*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 6, 2018, a copy of the foregoing was served on the parties listed below via first class mail, postage prepaid, or electronic mail:

Randall L. Kinnard  
John Teitenberg  
KINNARD, CLAYTON & BEVERIDGE  
The Woodlawn  
127 Woodmont Boulevard  
Nashville, TN 37205

J. Mark Griffiee  
Kristine E. Nelson  
BLACK McLAREN JONES RYLAND &  
GRIFFEE, P.C.  
530 Oak Court Drive, Ste. 360  
Memphis, TN 38117

Gregory L. Mast  
FIELDS HOWELL LLP  
1180 W. Peachtree Street, Ste. 1600  
Atlanta, GA 30309

A handwritten signature in black ink, appearing to read "J. Mark Griffiee", is written over a horizontal line.

**VERIFICATION**

State of \_\_\_\_\_

County of \_\_\_\_\_

I, Zachary Pardeck, being duly sworn, as a designated representative of Belle City Amusements, Inc., and in that capacity, I execute the foregoing Answers to Interrogatories. The information in such Answers is not personally known to me, but has been obtained from investigations by counsel and other persons whom I believe reliable and capable of ascertaining the facts stated in said Answers and a review of pertinent records and information available to me. On the basis of these investigations, and to the best of my information and belief, the matters set forth in the Answers are true and correct.

The Answers are made without in any way waiving or intending to waive any objections that Belle City Amusements, Inc. may have with respect to the subsequent use of the Answers, and Belle City Amusements, Inc. specifically reserves (a) all questions as to the competency, privilege, relevancy, materiality, and admissibility of any and all of the Answers, in whole or in part, or the subject matter thereof; (b) the right to object to the use of any of the Answers in whole or in part, or the subject matter covered thereby, in any subsequent step or proceeding in this action, on any or all of the foregoing grounds or on any proper grounds whether or not enumerated above; (c) the right to object on any and all grounds, at any time, to any interrogatories or other discovery procedures involving or related to the subject matter of the Interrogatories at any time, upon proper showing, to revise, correct, or clarify any of the Answers.

[Signature]

SWORN AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_